

REMARKS

This application has been carefully reviewed in view of the current Office Action and cited art. Reconsideration is respectfully requested on the basis of the following:

Claim Rejections

Claims 1, 2, 3, 4, 5, 6, 7, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Vaziri et al. (US Patent 6,377,570), hereinafter Vaziri. Claims 34, 35, 36, 37, 38, 39, 40, 41 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerszberg et al. (US Patent 6,452,923), hereinafter Gerszberg. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg et al. (US Patent 6,452,923), hereinafter Gerszberg, in view of Corrigan et al. (US Patent 5,818,825). Claims 12, 13, 14, 19, 20, 21, 24, 25, 28, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corrigan et al. (US Patent 5,818,825) in view of Farris et al. (US Patent 5,881,131). Claims 15, 16, 17, 18, 22, 23, 31, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corrigan in view of Farris, in view of Vaziri.

There are at least several ways in which the claimed invention is patentably distinct over the references of record, whether considered alone or in combination. The claims, as originally filed (or as amended herein), contain recitations that clearly distinguish over the art of record. First, consider that all claims now recite features that lead to the Internet-accessible device or set-top box being able to communicate as desired, once the data link is established. The data link can be maintained for a long time; the Internet-accessible devices or set-top boxes simply update each other as their data link status changes. This facet of the claimed invention results from features such as that reflected in claim 12 as filed, which recites in the last element of the claim (emphasis added):

“maintaining current identification information between the plurality of set-top boxes to allow the data link to be *continuously accessible* by the plurality of set-top boxes.”

The Examiner is also respectfully directed to page three, lines 21-25; page 20, lines 1-3; and page 30, lines 10-12, of the specification as filed. Applicant has amended independent claims 1 and 34 to include analogous recitations. All dependent claims depend from claims 1, 12 or 34.

The cited references, whether considered singly or in combination, fail to teach, disclose, suggest, anticipate or obviate this recitation of the claims. The Examiner, in making the rejection of claim 12 asserts that the Corrigan reference teaches substantially all of the elements of the claim, including the recitation of the last element. Applicant respectfully but strenuously must disagree with the Examiner's entire position with regard to the Corrigan reference. Applicant has closely reviewed the Corrigan reference and finds that it is NOT directed to a method or system of data sharing/linkage between either Internet-accessible devices or set-top boxes. Rather, the entire reference is concerned with communication between subscriber or cable access units (CAUs) 134 and a cable control unit (CCU) 102; inter-CAU communication is not taught or suggested. While the Examiner asserts that there is teaching of data sharing/linkage between CAUs, this is not borne out by a careful review of the Corrigan reference.

Consider the following. Column 3, lines 25-28, state that communications system 100 includes a CCU 102 connected to subscribers 104 (which have a cable access unit CAU 134) by a distribution network 106 and a combiner 108 (reference Figure 1). CCU 102 controls services for all CAUs. CAUs 134 provide "telephone and television services at subscriber premises....The CAU manages the uplink and downlink communications paths and transports cable television channels to the subscriber's television....Additionally, the CAU takes phone calls off the cable system and forwards them to the POTS, as well as taking regular cable TV signals off the cable and passing them along to the subscriber's TV." (column 4, lines 8-24). The subsequent description of the operation of the CAU at column 4, line 56, to column 5, line 48, refers only to communication between the CAU and its CCU; there is never any teaching, disclosure, or suggestion of inter-CAU communication. Indeed, this portion of the Corrigan reference states that CAU provides "basic telephony functions" (column 5, line 23), "takes raw speech and puts this data into the frame for transmission to the CCU" (column 5, lines 34-36) and transmits the data by modulator back to the CCU (column 5, lines 45-47). Further, column 7, lines 61-64, as well as all of column 7, teaches that the CAU uses a system access channel (SAC) to send digital data back to the CCU; a message channel (MC) "carries signaling information between the CCU and the CAU (column 8, lines 17-19). Continuing on with this teaching, column 8, lines 34-47, discusses the use of ARNs or access request numbers to control

the flow of messages between the CCU and the CAU. In fact, the examples given are clearly concerned with messages from the CCU to the CAU.

Within the context of this understanding, Applicant must respectfully state that the teaching at column 11, line 66 to column 12, line 7 is not consistent with the Examiner's assertion on page 10 of the Office Action, in which it is stated that this passage teaches "maintaining current identification information between the plurality of set-top boxes to allow the data link to be continuously accessible by the plurality of set-top boxes...." Again, this language in Corrigan is concerned with CAU communication with the CCU. The release of the channel and the reconnect procedure mentioned in this passage are directed to communication between the CAU with its CCU, and not inter-CAU communication.

It should be noted that like Corrigan, the other references of record, whether considered alone or in combination, fail to teach, suggest, disclose, anticipate or obviate that the data link between the devices can be continuously accessible if current identification information is maintained. Significantly, the Office Action does not rely upon the Gerszberg, Farris, and Vaziri references, alone or in combination, to teach, suggest, disclose, anticipate or obviate maintaining a data link between Internet-accessible devices to provide for continuous accessibility, as called for in the claims.

It is additionally noted with regard to the data link, Applicant has further amended certain of the claims to clarify that user intervention is not required. In the claimed invention, the users of a set-top box or other Internet-accessible device need not "pre-arrange" the data link. Rather, user A of a first Internet-accessible or set-top box device simply initiates a desired data transfer through manipulation of his Internet-accessible device without the need to "pre-arrange" initiation of the data link with user B, of a second Internet-accessible or set-top box device, directly; user B may likewise initiate the data link without direct interaction with user A. There is therefore no need for the user to seek pre-arrangement with the user(s) of other Internet-accessible devices. This stands in sharp contrast to the Vaziri reference, for instance, in which users must actually pre-arrange switching from PSTN to Voice over Internet communication by agreement beforehand.

Applicant further notes that the data link communication of the claimed invention need not interrupt voice communications. This is in contrast to Vaziri, which teaches that communications are terminated and not maintained at all. For instance, when user A and user B agree to switch from PSTN to voice over Internet communication, the PSTN communication is terminated (the parties hang up) before switching to the Internet based voice communication can commence. Then, when the voice conversation over the Internet is finished, the parties again hang up. In fact, it is clear that the teachings of Vaziri clearly teach away from the ability to maintain a continuously accessible data link. And, of course, according to Vaziri's teaching the switchover from PSTN to voice over Internet clearly interrupts voice communication.

Finally, Applicant submits that the data transmitted via data link in the claimed invention is "any manner of information" including IP addresses, email addresses, ID information, MAC addresses, email addresses, mailing addresses, TV viewing history, TV viewing preferences, photography archives, schedules, address book information, web sites, audio files, video files, travel itineraries, etc. Please reference Applicant's specification and claim 32, for instance. Certain of the references of record are much more narrowly construed as far as what kind of data is transmitted. Vaziri, for example, is limited to voice communications, i.e. a telephone call over the Internet. Other types of information cannot be sent, certainly not all manner of information.

Allowable Claims

Applicants note with appreciation that claims 8, 9, 26, and 27 are allowable if rewritten in independent form. Applicants have amended claims 8 and 26 to include the features of the base and any intervening claims; claims 9 and 27 depend from claims 8 and 26, respectively. Additionally, claims 3-6 have been made dependent from claim 8, and claims 13-17 have been made dependent from claim 26, rendering these claims clearly allowable.

Concluding Remarks

Several of the claims have been amended to replace "is" or "are" with a form of "comprise" to assure that the term is considered open-ended. "Includes" and variations thereof, as used in the claims are similarly intended to be open-ended. In view of these clarifying

amendments and remarks submitted herewith, the undersigned submits that the present claims are in condition for allowance and such is respectfully requested at an early date.

If the Examiner feels that additional issues remain to be resolved prior to issuance, a telephone interview with the undersigned is respectfully requested. The undersigned can be reached at the telephone number below.

Respectfully submitted, -



Jerry A. Miller
Reg. No. 30779

Miller Patent Services
Customer number 24337
2500 Dockery Lane
Raleigh, NC 27606
Phone 919-816-9981
Fax 919-816-9982

M.L.